

Tab D

American Political Processes

IP Event Lesson Plan

1. *Topic:*

American Political Processes

2. *Suggested Activities:*

- A. Democratic/Republican Headquarters
- B. To Local Political Clubs
- C. Political Speeches at Civic Clubs
- D. Minority Political Organizations
- E. Women's Political Clubs
- F. If Election Scheduled, Polling Places (Arrange with Local Voting Commissioner Ahead of Time)

3. *Student Requirements:*

- A. Attire (Civilian Clothes/Uniform)
- B. Event Information Sheet
- C. Camera and Film
- D. Money for Emergency Phone Call or Souvenirs

4. *Escort Requirements:*

- A. Advance ticket purchases if necessary
- B. Event information sheets for each international student
- C. Ensure necessary briefing information is available
- D. Brief (pre & post) international students about event(s)
- E. Ensure escorts are familiar with event objectives to guarantee all points are adequately covered
- F. Confirm/arrange transportation requirements
- G. Event evaluation sheets are completed by each student
- H. Discuss event with point of contact at event location and ensure escort carries point of contact's name and phone number

I. Ensure point of contact at event location is provided with the objectives to be covered prior to arrival of students

5. *Introduce student to following objective(s) (under the universal declaration of human rights):*

A. **Article 2:** everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

B. **Article 20:** everyone has the right to freedom of peaceful assembly and association.

C. **Article 21:** everyone has the right to take part in the government of his country, directly or indirectly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

6. *IP Area(s) of Emphasis:*

A. Internationally recognized human rights as outlined in the universal declaration of human rights.

B. Democratic ideals of an elected government and effective civil-military relations that reinforce the government.

7. *Other learning objective(s) or teaching point(s):*

A. The absentee voting process is designed to permit U.S. Citizens covered by the uniformed and overseas citizens absentee voting act who will be away from their local polling places on election day to vote through the mail. The nature of this process means absentee voters should request their ballots at least 60 days before the election.

B. The secret ballot is the keystone of our voting system of self-determination. It is the foundation of our liberty and its strength is magnified through use. The exercise of the secret ballot is more than an inherent right, it is a responsibility. A ballot not cast is in fact a vote against the form of government that permits it. The greatest threat to our way of life is posed by extreme apathy; by citizens who do not care enough to cast their ballots.

C. The following definitions are conventional explanations that may be useful in allowing the international students to better understand our political processes:

Affidavit: a sworn statement in writing, usually made under oath or affirmation, before an authorized officer, notary or court official.

Attest: to witness the signing of a document.

Ballot: a sheet of paper or the like on which a voter marks his/her choice. closed primary: a primary election in which a voter must declare a political party affiliation and vote that party's ballot in the primary election.

Closed primary: a primary election in which a voter must declare a political party affiliation and vote that party's ballot in the primary election.

Congressional district: a division of a state, based on population, electing one members to the U.S. House of representatives. There are 435 congressional districts in the united states.

Constituent: those citizens who are represented by the office holder they elect.

Constitutional amendment: a proposed change or addition to a state constitution.

Domicile (voting residence): the place where a person has a true, fixed, and permanent home or ties, and to which, whenever absent, has the intention of returning. It is the address that generally ties the voter into the precinct in which the voter intends to vote.

Electoral vote: the votes cast for president and vice president by presidential electors in what is known popularly as the electoral college. The total electoral vote is 538, with 270 needed to win the election. Traditionally, by law or custom, the candidate who wins the most popular votes in a state wins all of that state's electoral votes.

Elector: a qualified voter. Also used for those 538 members of the electoral college.

Federal ballot: lists federal candidates only -- president/vice president, senate, and house of representatives.

Federal write-in absentee ballot: a special ballot, available from voting assistance officers, enabling voters to write in their candidate preference for president/vice president, U.S. Senate, and U.S. Representative/delegate.

Full ballot: lists federal, state and local candidates plus local questions and issues.

General election: an election held to choose candidates nominated in the primary (or by convention or caucus), for federal, state, and local office.

Majority: a number greater than half of the total votes cast.

Municipal election: an election held in a city or town to vote for local officials or on questions of local interest.

Open primary: a primary election in which voters may vote for the candidates of any party listed on the ballot.

Party platform: a statement of basic principles put forth by a political party, usually at its national convention, to be adopted by its candidates in the election campaign.

Plurality: the number of votes cast for a candidate who obtains the greatest number of votes, though not a majority, in a contest of more than two candidates.

Popular vote: the numerical vote of the people, as distinguished from the electoral vote.

Presidential electors: in the presidential election held the first Tuesday after the first Monday in November of every fourth year, each state chooses as many presidential electors as it has senators and representatives in congress. The district of Columbia chooses three presidential electors. The electors comprise the electoral college, which elects the president and vice president, the only elective federal officials not elected by direct majority vote of the people.

Primary or primary election: an election held before a general election to nominate a political party's candidates for office. In some states, other officials, such as delegates to party conventions, are elected at this time. Dates for primaries are set by the states and vary from state to state. In some, a separate primary is held by each of the principal parties; in others, only the major political parties hold a primary.

Proxy: a person authorized to request or complete registration forms or to obtain an absentee ballot on behalf of another person. A proxy may not cast a ballot for another person.

Referendum: a method of submitting a legislative measure to the voters for approval or rejection.

Registration: the process whereby a prospective voter is required to establish identity and residence prior to an election in order to be declared eligible to vote.

Runoff: an election held in some states if no one candidate for an office receives a majority (or specified percentage) of votes to win the election.

Special election: an election that is specially scheduled to fill an office that has become vacant before the term of its expiration.

State special write-in absentee ballot: available from local election officials and used by certain voters who know in advance that they will not be able to receive and return the regular absentee ballot in time to be counted because of their remote location or special assignment.

Voting residence: the voter's domicile, generally. However, the voting residence of an American voting pursuant to the uniformed and overseas citizens absentee voting act and no longer domiciled in the united states will be the place in which he/she was last domiciled immediately prior to his/her departure from the united states.

Write-in: a method of voting for a person whose name is not on the ballot.

IP Event Information Sheet

Political Processes

"By what means and in what context do Americans choose their political leaders? " in a broad sense all societies need leaders. Leadership may be established in a number of ways. Most internationals are familiar with "hereditary succession and coup d'etat." However, the american method of selecting leaders through political parties and free elections under an elaborate legal framework is likely to seem quite strange.

The modern world has seen the development of one-party, two-party, and multiparty systems. The two-party system is very unusual, and most non-U.S. Citizens will have no experience with it. Although the one-party system is more characteristic of totalitarian states, such as fascist Italy, nazi Germany, and the former communist Russia, some of the new nations of Asia and Africa also have a one-party state. In newly independent nations, one-party systems are the rule (the single party being the natural outgrowth of a unified independence movement) and many internationals may be from such nations. France, west Germany, and Italy, since world war ii, have each had half a dozen or more major parties competing for control of the government. In great Britain the two-party system has generally been followed for the last century.

In our electoral system political parties are organized at the state level and are only loosely-knit state coalitions at the national level. Traditionally, our two major parties (democratic and republican) are coalitions of various sectional, economic, religious, ethnic, and other groups. Their pronouncements and platforms must be relatively vague so that no members of the coalition are offended. Election strategy is based upon the theory of "united we win, divided we fall," which often requires the sacrifice of consistency of principles. The result is the nonideological nature of our parties and the frequent criticism by foreigners that parties are too ready to sacrifice principle for expediency. This criticism misses a major point about our party system and, indeed, about our whole form of government. That major point is the necessity for compromise within an accepted democratic framework. The establishment of a federal system of government and the separation of powers were great creative compromises of the constitutional convention. Without compromise -- the ability of contending groups to give and take -- the survival of democracy would be doubtful.

Perhaps the most effective way to show the importance of political parties in the united states is to point out their role in presidential succession. Parties, plus the electoral machinery itself, provide the means whereby one president can succeed another without violence or social disruption. A striking example of this occurred in 1948 when Thomas Dewey won the popular vote, but harry Truman was made president by the electoral college and was accepted by the people as their leader.

In a democratic nation there is probably no question more important than how political leaders are chosen. An "open" system which permits any qualified person to run for office and the holding of free elections at regular intervals are basic to the operation of our democratic government. These conditions are met within the framework of our political parties and electoral system, both of

which are characterized by features which distinguish them from similar institutions in other countries.

Parties try to attract every portion of the political spectrum -- all shades of opinions and attitudes. They transcend class and group boundaries. Liberals and conservatives are found in both the democratic and the republican parties. Both seek the votes of working people and businessmen, of members of all faiths, and of citizens of all minority groups. Both subscribe to the same basic principles of american democracy and have the same general values and goals. They differ in the emphasis they place upon them and in the means by which they would achieve them. Beyond that, they are nonideological in nature. Their major concern is to win elections and not to refashion american society according to some doctrine or image.

The national parties are coalitions of state parties, while the latter are usually coalitions of local parties. There is no strong central organization which directs party activity from Washington. Instead, organizational power resides more in the local party structure than in the national one. Since their major task is to win elections, the parties almost disappear as organizational entities between elections. At such times they are held together by skeleton organizational staffs. Finally, most parties are not supported by a well-organized group of dues-paying members. An american considers himself or herself a member of a party if he or she votes for it. A card-carrying member of a political party is rare.

In a very real sense, there are no national elections in the united states. On the first Tuesday after the first Monday of November in even-numbered years, millions of voters go to the polls to choose the elective officers of the national government. But this is not a collective step in the sense that the voters select their national officers in one central election conducted by the federal government. Our national officers are chosen in a series of local elections conducted by local governments and in which local personalities, local issues, and local politics are dominant forces.

A candidate does not need his/her party's endorsement to run for office in most elections. He/she simply offers himself/herself as a candidate in the party's primary election. Whoever wins the primary is that party's official candidate in the general election. Thousands of government offices are filled by election throughout the country. Since few legal obstacles stand in the way of running for public office, an american can easily enter politics. Public office-holders do not constitute a small class or caste. They come from all segments of society. Only a few could be called "professional" politicians; most are amateurs who hold public office briefly and then go back to private life.

Most elective officials gain office only after overcoming a competitor in an election. In some parts of the country (and in national elections), both major parties sponsor candidates. This two-party competition gives voters a choice. In areas where one party is dominant, there is usually vigorous competition within that party for nomination. Hence, the voter has a choice in the primary even though there is little choice in the general election.

The nature of our political parties makes the party which loses the general election the loyal opposition. In legislative bodies, the opposition party is usually recognized, given structural support, and plays an important role. It seeks to win the next election by pointing out mistakes made by the party in power. Since the opposition is assured that the next election will occur at an appointed time (in two or four years) and will be held under the same rules as the previous one, it has no need to obstruct or seek to overthrow the party in power. The opposition is "loyal" in the sense that it is fully committed to the democratic rules of our political system and is willing to play the political game according to those rules.

The foregoing combination of characteristics differs considerable from those which describe parties and elections in other countries:

-- in developing countries, the parties are usually ideological. They are committed to nationalism or socialism or some religious doctrine. Winning office is a way to achieve their ideological goals. Thus, they place more emphasis on programs than our parties do.

-- international parties are often more centrally organized than ours. Moreover, they usually do not appeal to be as broad a spectrum of interests as ours tend to be.

-- in most other countries running for office is not as easy as it is in the United States. Those who do succeed in gaining office are more likely to be professional politicians. The notion that anybody can run for political office and get elected is not widespread outside of America.

-- in many developing countries one party is dominant and no significant electoral competition exists. The ideological commitment of the dominant party convinces its leaders that competition is bad. Consequently, competition tends to be stifled, and opposition is often viewed as subversive. Under such conditions there can be no "loyal" opposition.

Although not mentioned in the constitution, political parties arose early in our national history because they served a useful purpose. Ideally, they help to meet two needs for successfully operating a democratic government.

Parties provide an agency through which people who have certain interests in common, and who wish to influence public policy in the light of those interests, may organize and take effective steps to win control of the government. The most effective steps, of course, are those which result in winning elections.

Presenting voters with alternative viewpoints and choices is another aspect of this function. These viewpoints on current issues are expressed in the platforms written every four years during the national convention. The platforms are often ambiguously phrased and do not bind the party's candidates. Nevertheless, they are important. Platform positions usually are compromises between competing factions and help to hold the party together in the effort to elect a president and a congress.

Parties undertake to run the government in a way that keeps faith with the interests of the voters who placed them in power. When one party wins control of the presidency, the senate, and the house of representatives, which is the normal result of a national election, these three agencies tend to reflect common party goals and to cooperate in their achievement.

American political parties must make a broad appeal to different blocs of voters. Sometimes this appeal is to all voters across the political spectrum, sometimes to a more limited grouping of blocs, such as those of the political "center," plus enough supporters on the "left" or the "right" to constitute a majority.

Our major parties tend to take equivocal stands upon the most controversial issues of the day to avoid offending groups of voters who may disagree violently on many issues. The degree of unity in such a coalition, as well as its lasting quality, has varied from time to time and from party to party. Sooner or later all such coalitions prove unstable. As one or another bloc

Of voters is lost, the party has to find a new source of support to be able to compete with the opposition party on anything like equal terms.

The coalition character of american parties also tends to blur the relationship between the party in power and the party in opposition. A democratic president may be opposed by certain members of his own party as frequently as by members of the republican party. The "loyal opposition" may exist as much inside the party as outside of it. "the opposition" changes according to the issue. This tends to keep it more or less unorganized. Any member of congress can attack an administration because official opposition spokesmen are not specifically designated. By the same token, under the american system both parties can easily cooperate publicly on significant questions. Probably the most important of these areas of cooperation is bipartisanship in foreign policy.

For 100 years now the democratic and republican parties have faced each other, and no third party has successfully challenged their domination of the political scene.

Since the days of the civil war, the republican party has found the core of its strength in an east-west coalition of the businessman and the farmer. The democratic party has depended upon a coalition of the agrarian south and the urban-industrial north. Needless to say, both coalitions have been exceedingly tenuous.

The two strongest constants have been the loyalty of the south to the democratic party and of businessmen to the republican party. However, because elections are conducted at the state level, parties are primarily organized according to state lines. State party organizations vary considerably. A party may have a tightly-knit organization in one state and be almost totally nonexistent in another.

The national party organization, centering around the national committee, is little more than a tenuous coalition of state organizations that unite every four years for the purpose of trying to elect a president. Between presidential elections the national committee, made up of representatives from each party, has little power and certainly cannot be regarded as the spokesman for party policy. If the party has the president, national party leadership falls to him or her. If the president is in the other party, then insofar as there is national leadership it comes from the defeated presidential candidate and more importantly from the party's leaders in congress. The chairman of the national committee is insignificant compared to those holding similar titles in other countries.

Party organization at the local level (ward and precinct) is of great importance. Party workers at this lowest level of the party hierarchy have the major responsibility for bringing out the votes on election day in support of party candidates. Regardless of how well organized the national and state parties may be, if party workers at this lowest level do not operate efficiently, a party's interests right up to the highest national level are jeopardized.

This is why nothing is more vital to our system of government than free elections. The right to determine what form our government will take and who will lead us is fundamental to a free people. As free people, Americans have an obligation to history to participate in the democracy that so many have died defending, beginning with the revolutionary war. It is important then that all Americans exercise their voting privileges.

One vote can make a difference, because did you know that:

-- In 1645, one vote gave Oliver Cromwell control of England.

-- In 1649, one vote caused Charles I of England to be executed.

-- In 1776, one vote gave America the English language instead of German.

-- In 1845, one vote brought Texas into the union.

-- In 1868, one vote saved president Andrew Johnson from impeachment.

-- In 1875, one vote changed France from a monarchy to a republic.

-- In 1876, one vote gave Rutherford B. Hayes the presidency of the U.S.

-- In 1923, one vote gave Adolph Hitler leadership of the nazi party.

-- In 1941, one vote saved selective service -- just weeks before pearl harbor was attacked.

This information should provide a fundamental basis of the american political processes. However, one of the most difficult areas in the political process to understand is our electoral college and how it functions. The following provides an in-depth look into the presidential and vice presidential selection process.

In order to appreciate the reasons for the electoral college, it is essential to understand its historical context and the problem that the founding fathers were trying to solve. They faced the difficult question of how to elect a president in a nation that:

Was composed of thirteen large and small states jealous of their own rights and powers and suspicious of any central national government

Contained only 4,000,000 people spread up and down a thousand miles of Atlantic seaboard barely connected by transportation or communication (so that national campaigns were impractical even if they had been thought desirable) believed, under the influence of such British political thinkers as Henry St. John Bolingbroke, that political parties were mischievous if

Not downright evil, and felt that gentlemen should not campaign for public office (the saying was "the office should seek the man, the man should not seek the office.").

How, then, to choose a president without political parties, without national campaigns, and without upsetting the carefully designed balance between the presidency and the congress on one hand and between the states and the federal government on the other?

The constitutional convention considered several possible methods of selecting a president.

One idea was to have the congress choose the president. This idea was rejected, however, because some felt that making such a choice would be too divisive an issue and leave too many hard feelings in the congress. Others felt that such a procedure would invite unseemly political bargaining, corruption, and perhaps even interference from foreign powers. Still others felt that

such an arrangement would upset the balance of power between the legislative and executive branches of the federal government.

A second idea was to have the state legislatures select the president. This idea, too, was rejected out of fears that a president beholden to the state legislatures might permit them to erode federal authority and thus undermine the whole idea of a federation.

A third idea was to have the president elected by a direct popular vote. Direct election was rejected not because the framers of the constitution doubted public intelligence, but because they feared that without sufficient information about candidates from outside their state, people would naturally vote for a "favorite son" from their own state or region. At worst, no president would emerge with a popular majority sufficient to govern the whole country. At best, the choice of president would always be decided by the largest, most populous states with little regard for the smaller ones.

Finally, a so-called "committee of eleven" in the constitutional convention proposed an indirect election of the president through a college of electors.

The function of the college of electors in choosing the president can be likened to that in the roman catholic church of the college of cardinals selecting the pope. The original idea was

For the most knowledgeable and informed individuals from each state to select the president based solely on merit and without regard to state of origin or political party.

The structure of the electoral college can be traced to the centurial assembly system of the roman republic. Under that system, the adult male citizens of Rome were divided, according to their wealth, into groups of 100 (called centuries). Each group of 100 was entitled to cast only one vote either in favor or against proposals submitted to them by the roman senate. In the electoral college system, the states serve as the centurial groups (though they are not, of course, based on wealth), and the number of votes per state is determined by the size of each

State's congressional delegation. Still, the two systems are similar in design and share many of the same advantages and disadvantages.

The similarities between the electoral college and classical institutions are not accidental. Many of the founding fathers were well schooled in ancient history and its lessons.

In the first design of the electoral college (described in article ii, section 1 of the constitution):

Each state was allocated a number of electors equal to the number of its U.S. Senators (always 2) plus the number of its U.S. Representatives (which may change each decade according to the size of each state's population as determined in the decennial census). This arrangement built upon an earlier compromise in the design of the congress itself and satisfied both large and small states.

The manner of choosing the electors was left to the individual state legislatures, thereby pacifying states suspicious of a central national government. Members of congress and employees of the federal government were specifically prohibited from serving as an elector in order to maintain the balance between the legislative and executive branches of the federal government.

Each state's electors were required to meet in their respective states rather than all together in one great meeting. This arrangement, it was thought, would prevent bribery, corruption, secret dealing, and foreign influence.

In order to prevent electors from voting only for a "favorite son" of their own state, each elector was required to cast two votes for president, at least one of which had to be for someone outside their home state. The idea, presumably, was that the winner would likely be everyone's second favorite choice.

The electoral votes were to be sealed and transmitted from each of the states to the president of the senate who would then open them before both houses of the congress and read the results.

The person with the most electoral votes, provided that it was an absolute majority (at least one over half of the total), became president. Whoever obtained the next greatest number of electoral votes became vice president -- an office which they seem to have invented for the occasion since it had not been mentioned previously in the constitutional convention.

In the event that no one obtained an absolute majority in the electoral college or in the event of a tie vote, the U.S. House of representatives, as the chamber closest to the people, would choose the president from among the top five contenders. They would do this (as a further concession to the small states) by allowing each state to cast only one vote with an absolute majority of the states being required to elect a president. The vice presidency would go to whatever remaining contender had the greatest number of electoral votes. If that, too, was tied, the U.S. Senate would break the tie by deciding between the two.

In all, this was quite an elaborate design. But it was also a very clever one when you consider that the whole operation was supposed to work without political parties and without national campaigns while maintaining the balances and satisfying the fears in play at the time. Indeed, it is probably because the electoral college was originally designed to operate in an environment so totally different from our own that many people think it is anachronistic and fail to appreciate the new purposes it now serves. But of that, more later.

The first design of the electoral college lasted through only four presidential elections. For in the meantime, political parties had emerged in the united states. The very people who had been condemning parties publicly had been building them privately. The idea of political parties had gained respectability through the persuasive writings of such political philosophers as Edmund Burke and James Madison.

One of the accidental results of the development of political parties was that in the presidential election of 1800, the electors of the democratic-republican party gave Thomas Jefferson and Aaron Burr (both of that party) an equal number of electoral votes. The tie was resolved by the house of representatives in Jefferson's favor -- but only after 36 tries and some serious political dealings which were considered unseemly at the time. Since this sort of bargaining over the presidency was the very thing the electoral college was supposed to prevent, the congress and the states hastily adopted the twelfth amendment to the constitution by September of 1804.

To prevent tie votes in the electoral college which were made probable, if not inevitable, by the rise of political parties (and no doubt to facilitate the election of a president and vice president of the same party), the 12th amendment requires that each elector cast one vote for president and a separate vote for vice president rather than casting two votes for president with the runner-up being made vice president. The amendment also stipulates that if no one receives an absolute

majority of electoral votes for president, then the U.S. House of representatives will select the president from among the top three contenders with each state casting only one vote and an absolute majority being required to elect. By the same token, if no one receives an absolute majority for vice president, then the U.S. Senate will select the vice president from among the top two contenders for that office. All other features of the electoral college remained the same including the requirement that, in order to prevent electors from voting only for "favorite sons", either the presidential or vice presidential candidate has to be from a state other than that of the electors.

In short, political party loyalties had, by 1800, begun to cut across state loyalties thereby creating new and different problems in the selection of a president. By making seemingly slight changes, the 12th amendment fundamentally altered the design of the electoral college and, in one stroke, accommodated political parties as a fact of life in American presidential elections.

It is noteworthy in passing that the idea of electing the president by direct popular vote was not widely promoted as an alternative to redesigning the electoral college. This may be because the physical and demographic circumstances of the country had not changed that much in a dozen or so years. On the other hand, it may be because the excesses of the recent French revolution (and its fairly rapid degeneration into dictatorship) had given the populists some pause to reflect on the wisdom of too direct a democracy.

Since the 12th amendment, there have been several federal and state statutory changes which have affected both the time and manner of choosing presidential electors but which have not further altered the fundamental workings of the electoral college. There have also been a few curious incidents which its critics cite as problems but which proponents of the electoral college view as merely its natural and intended operation. From the outset, and to this day, the manner of choosing its state's electors was left to each state legislature. Initially, as one might expect, different states adopted different methods.

Some state legislatures decided to choose the electors themselves. Others decided on a direct popular vote for electors either by congressional district or at large throughout the whole state. Still others devised some combination of these methods. However, in all cases, electors were chosen individually from a single list of all candidates for the position.

During the 1800's, two trends in the states altered and more or less standardized the manner of choosing electors. The first trend was toward choosing electors by the direct popular vote of the whole state (rather than by the state legislature or by the popular vote of each congressional district). Indeed, by 1836, all states had moved to choosing their electors by a direct statewide popular vote except South Carolina which persisted in choosing them by the state legislature until 1860. Today, all states choose their electors by direct statewide election except Maine (which in 1969) and Nebraska (which in 1991) changed to selecting two of its electors by a statewide popular vote and the remainder by the popular vote in each congressional district.

Along with the trend toward their direct statewide election came the trend toward what is called the "winner-take-all" system of choosing electors. Under the winner-take-all system, the presidential candidate who wins the most popular votes within a state wins all of that state's electors. This "winner-take-all" system was really the logical consequence of the direct statewide vote for electors owing to the influence of political parties. For in a direct popular election, voters loyal to one political party's candidate for president would naturally vote for that party's list of proposed electors. By the same token, political parties would propose only as many electors as there were electoral votes in the state so as not to fragment their support and permit the victory of another party's elector.

There arose the custom that each political party would, in each state, offer a "slate of electors" -- a list of individuals loyal to their candidate for president and equal in number to that state's electoral vote. The voters of each state would then vote for each individual listed in the slate of whichever party's candidate they preferred. The business of presenting separate party slates of individuals occasionally led to confusion. Some voters divided their votes between party lists because of personal loyalties to the individuals involved rather than according to their choice for president. Other voters, either out of fatigue or confusion, voted for fewer than the entire party list. The result, especially in close elections, was the

Occasional splitting of a state's electoral vote. This happened as late as 1916 in west Virginia when seven republican electors and one democrat elector won.

Today, the individual party candidates for elector are seldom listed on the ballot. Instead, the expression "electors for" usually appears in fine print on the ballot in front of each set of candidates for president and vice president (or else the state law specifies that votes cast for the candidates are to be counted as being for the slate of delegates pledged to those candidates). It is still true, however, that voters are actually casting their votes for the electors for the presidential and vice presidential candidates of their choice rather than for the candidates themselves.

The time for choosing electors has undergone a similar evolution. For while the constitution specifically gives to the congress the power to "determine the time of chusing the electors", the congress at first gave some latitude to the states. For the first fifty years of the federation, congress permitted the states to conduct their presidential elections (or otherwise to choose their electors) anytime in a 34 day period before the first Wednesday of December which was the day set for the meeting of the electors in their respective states. The problems born of such an arrangement are obvious and were intensified by improved communications. For the states which voted later could swell, diminish, or be influenced by a candidate's victories in the states which voted earlier. In close elections, the states which voted last might well determine the outcome. (and it is perhaps for this reason that south Carolina, always among the last states to choose its electors, maintained for so long its tradition of choosing them by the state legislature. In close elections, the south Carolina state legislature might well decide the presidency!).

In 1845 the congress adopted a uniform day on which the states were to choose their electors. That day -- the Tuesday following the first Monday in November in years divisible by four -- continues to be the day on which all the states now conduct their presidential elections.

In the evolution of the electoral college, there has been some interesting developments and remarkable outcomes. Critics often try to use these as examples of what can go wrong. Most of these historical curiosities were the result of profound political divisions within the country which the designers of the electoral college system seem to have anticipated as needing resolution at a higher level.

In 1800, as previously noted, the democratic republican electors gave both Thomas Jefferson and Aaron Burr an equal number of electoral votes. The tie, settled in Jefferson's favor by the house of representatives in accordance with the original design of the electoral college system, prompted the 12th amendment which effectively prevented this sort of thing from ever happening again.

In 1824, there were four fairly strong contenders in the presidential contest (Andrew Jackson, John Quincy Adams, William Crawford, and Henry Clay) each of whom represented an important faction within the now vastly dominant democratic-republican party. The electoral votes were so divided among them that no one received the necessary majority to become president (although the popular John C. Calhoun did receive enough electoral votes to become vice president). In accordance with the provisions of the 12th amendment, the choice of president rested with the

house of representatives who narrowly selected John Quincy Adams despite the fact that Andrew Jackson had obtained the greater number of electoral votes. This election is often cited as the first one in which the candidate who obtained the greatest popular vote (Jackson) failed to be elected president. The claim is a weak one since six of the twenty-four states at the time still chose their electors in the state legislature. Some of these (such as sizable New York) would likely have returned large majorities for Adams had they conducted a popular election.

The 1836 presidential election was a truly strange event. The developing Whig party, for example, decided to run three different presidential candidates (William Henry Harrison, Daniel Webster, and Hugh White) in separate parts of the country. The idea was that their respective regional popularities would ensure a Whig majority in the electoral college which would then decide on a single Whig presidential ticket. This fairly inspired scheme failed when Democratic-Republican candidate Martin Van Buren won an absolute majority of electors. Such a strategy has never again been seriously attempted. Van Buren himself did not escape the event entirely unscathed. For while he obtained an electoral majority, his vice-presidential running mate (Richard Johnson) was considered so objectionable by some of the Democratic-Republican electors that he failed to obtain the necessary majority of electoral votes to become vice president. In accordance with the 12th amendment, the decision rested with the Senate which chose Johnson as vice president anyway. That was a really bizarre election.

In the 1872 election, Democratic candidate Horace Greeley (he of earlier "Go West, Young Man, Go West" journalistic fame whose nomination makes a good story in itself) died during that period between the popular vote for electors and the meeting of the electoral college. The electors who were pledged to him split their electoral votes among several other Democratic candidates (including three votes for Greeley himself as a possible comment on the incumbent Ulysses S. Grant). That hardly mattered since the Republican Grant had readily won an absolute majority of electors. It was an interesting event for which the political parties are now prepared.

In 1876, the country once again found itself in serious political turmoil echoing, in some respects, both the economic divisions of 1824 and the impending political party realignments of 1836, but with the added bitterness of Reconstruction. A number of deep cross currents were in play. After a vast economic expansion, the country had fallen into a deep depression. Monetary and tariff issues were eroding the Union Republican coalition of East and West while a solid Republican black vote eroded the traditional Democratic hold on the South. The incumbent Republican administration of Grant had suffered a seemingly endless series of scandals involving graft and corruption. The South was eager to put an end to Radical Reconstruction which was a kind of vast political mugging. The resurging Democratic party easily nominated Samuel J. Tilden, the popular governor of New York, and Thomas A. Hendricks of Indiana (shrewd geographic choices under the circumstances). The Republicans, in a more turbulent convention, selected Ohio governor Rutherford B. Hayes and William A. Wheeler of New York. A variety of fairly significant third parties also cropped up which further shattered the country's political cohesion.

IP Event Information Sheet

Political Processes (cont)

This is about as good a prescription for electoral chaos as anyone might hope for. Indeed, it is almost surprising that things did not turn out worse than they did. For on election night, it looked as though Tilden had pulled off the first Democratic presidential victory since the Civil War -- although the decisive electoral votes of South Carolina, Florida, and Louisiana remained in balance. These states were as divided internally as was the nation at large. Without detailing the machinations of the vote count, suffice it to say that each state finally delivered to the Congress two sets of electoral votes -- one set for Tilden and one set for Hayes. Because the congressional procedures for resolving disputed sets of electors had expired, the Congress established a special 15-member commission to decide the issue in each of the three states. After much partisan

intrigue, the special commission decided (by one vote in each case) on Hayes' electors from all three states. Hayes was elected president despite the fact that Tilden, by everyone's count, had obtained a slight majority of popular votes (although the difference was a mere 3% of the total vote cast). As a final note, the congress enacted in 1887 legislation that delegated to each state the final authority to determine the legality of its choice of electors and required a concurrent majority of both houses of congress to reject any electoral vote. That legislation remains in effect to this day so that the events of 1876 will not repeat themselves.

Benjamin Harrison's election in 1888 is really the only clear-cut instance in which the electoral college vote went contrary to the popular vote. This happened because the incumbent, democrat Grover Cleveland, ran up huge popular majorities in several of the 18 states which supported him while the republican challenger, Benjamin Harrison, won only slender majorities in some of the larger of the 20 states which supported him (most notably in Cleveland's home state of new York). The difference between them was only 110,476 votes out of 11,381,032 cast -- less than 1% of the total. Interestingly, in this case, there were few critical issues (other than tariffs) separating the candidates so that the election seems to have been fought -- and won -- more on the basis of superior party organization in getting out the vote than on the issues of the day.

These are the major historical curiosities of the electoral college system. Because they are so frequently cited as flaws in the system, a few observations on them seem in order.

First, all of these events occurred over a century ago. For the past hundred years, the electoral college has functioned without incident in every presidential election through two world wars, a major economic depression, and several periods of acute civil unrest. Only twice in this century (the states' rights democrats in 1948 and George walleye's american independents in 1968) have there been attempts to block an electoral college victory and either force a negotiation for the presidency or force the decision into the congress. Neither attempt came close to succeeding. Such stability, rare in human history, should not be lightly dismissed.

Second, each of these events (except 1888) resulted either from political inexperience (as in 1800, 1836, and 1872) or from profound political divisions within the country (as in 1824, 1876, and even 1948 and 1968) which required some sort of higher order political resolution. All of them were resolved in a peaceable and orderly fashion without any public uprising and without endangering the legitimacy of the sitting president. Indeed, it is hard to imagine how a direct election of the president could have resolved events as agreeably.

Finally, as the election of 1888 demonstrates, the electoral college system imposes two requirements on candidates for the presidency:

That the victor obtain a sufficient popular vote to enable him to govern (although this may not be the absolute majority), and

That such a popular vote be sufficiently distributed across the country to enable him to govern.

Such an arrangement ensures a regional balance of support which is a vital consideration in governing a large and diverse nation (even though in close elections, as in 1888, distribution of support may take precedence over majority of support).

The historical oddities described above demonstrate the strength and resilience of the electoral college system in being able to select a president in even the most troubled of times.

The current workings of the electoral college are the result of both design and experience. As it now operates:

Each state is allocated a number of electors equal to the number of its U.S. Senators (always 2) plus the number of its U.S. Representatives (which may change each decade according to the size of each state's population as determined in the census).

The political parties (or independent candidates) in each state submit to the state's chief election official a list of individuals pledged to their candidate for president and equal in number to the state's electoral vote. Usually, the major political parties select these individuals in their state party conventions while third parties and independent candidates merely designate theirs.

Members of congress and employees of the federal government are prohibited from serving as an elector in order to maintain the balance between the legislative and executive branches of the federal government.

After their caucuses and primaries, the major parties nominate their candidates for president and vice president in their national conventions -- traditionally held in the summer preceding the election. (third parties and independent candidates follow different procedures according to the individual state laws). The names of the duly nominated candidates are then officially submitted to each state's chief election official so that they might appear on the general election ballot.

On the Tuesday following the first Monday of November in years divisible by four, the people in each state cast their ballots for the party slate of electors representing their choice for president and vice president (although as a matter of practice, general election ballots normally say "electors for" each set of candidates rather than list the individual electors on each slate).

Whichever party slate wins the most popular votes in the state becomes that state's electors -- so that whichever presidential ticket gets the most popular votes in a state wins all the electors of that state. (the two exceptions to this are Maine and Nebraska where two electors are chosen by a statewide popular vote and the remainder by the popular vote within each congressional district).

On the Monday following the second Wednesday of December (as established in federal law) each state's electors meet in their respective state capitals and cast their electoral votes -- one for president and one for vice president.

In order to prevent electors from voting only for "favorite sons" of their home state, at least one of their votes must be for a person from outside their state (though this is seldom a problem since the parties have consistently nominated presidential and vice presidential candidates from different states).

The electoral votes are then sealed and transmitted from each state to the president of the senate who, on the following January 6, opens and reads them before both houses of the congress.

The candidate for president with the most electoral votes, provided that it is an absolute majority (one over half of the total), is declared president. Similarly, the vice presidential candidate with the absolute majority of electoral votes is declared vice president.

In the event no one obtains an absolute majority of electoral votes for president, the U.S. House of representatives (as the chamber closest to the people) selects

the president from among the top three contenders with each state casting only one vote and an absolute majority of the states being required to elect. Similarly, if no one obtains an absolute majority for vice president, then the U.S. Senate makes the selection from among the top two contenders for that office.

At noon on January 20, the duly elected president and vice president are sworn into office.

The following chart is a breakdown of the distribution of electoral votes:

Distribution of Electoral Votes

<u>State</u>	<u>1981-1990</u>	<u>1991-2000</u>
Alabama	9	9
Alaska	3	3
Arizona	7	8
Arkansas	6	6
California	47	54
Colorado	8	8
Connecticut	8	8
Delaware	3	3
District of Columbia	3	3
Florida	21	25
Georgia	12	13
Hawaii	4	4
Idaho	4	4
Illinois	24	22
Indiana	12	12
Iowa	8	7
Kansas	7	6
Kentucky	9	8
Louisiana	10	9
Maine	4	4
Maryland	10	10

Massachusetts	13	12
Michigan	20	18
Minnesota	10	10
Mississippi	7	7
Missouri	11	11
Montana	4	3
Nebraska	5	5
Nevada	4	4
New Hampshire	4	4
New Jersey	16	15
New Mexico	5	5
New York	36	33
North Carolina	13	14
North Dakota	3	3
Ohio	23	21
Oklahoma	8	8
Oregon	7	7
Pennsylvania	25	23
Rhode Island	4	4
South Carolina	8	8
South Dakota	3	3
Tennessee	11	11
Texas	29	32
Utah	5	5
Vermont	3	3
Virginia	12	13
Washington	10	11
West Virginia	6	5
Wisconsin	11	11

Wyoming	3	3
Total electoral vote:	538	

There have, in its 200-year history, been a number of critics and proposed reforms to the electoral college system -- most of them trying to eliminate it. There are also staunch defenders of the electoral college who, though perhaps less vocal than its critics, offer very powerful arguments in its favor.

Those who object to the electoral college system and favor a direct popular election of the president generally do so on four grounds:

- The possibility of electing a minority president,
- The risk of so-called "faithless" electors,
- The possible role of the electoral college in depressing voter turnout, and
- Its failure to accurately reflect the national popular will.

Opponents of the electoral college are disturbed by the possibility of electing a minority (one without the absolute majority of popular votes). Nor is this concern entirely unfounded since there are three ways in which that could happen.

One way in which a minority president could be elected is if the country were so deeply divided politically that three or more presidential candidates split the electoral votes among them such that no one obtained the necessary majority. This occurred, as noted above, in 1824 and was unsuccessfully attempted in 1948 and again in 1968. Should that happen today, there are two possible resolutions: either one candidate could throw his electoral votes to the support of another (before the meeting of the electors) or absent an absolute majority in the electoral college. Then the U.S. House of representatives would select the president in accordance with the 12th amendment. Either way, though, the person taking office would not have obtained the absolute majority of the popular vote. It is unclear how a direct election of the president could resolve such a deep national conflict without introducing a presidential run-off election -- a procedure which would add substantially to the time, cost, and effort already devoted to selecting a president and which might well deepen the political divisions while trying to resolve them.

A second way in which a minority president could take office is if, as in 1888, one candidate's popular support were heavily concentrated in a few states while the other candidate maintained a slim popular lead in enough states to win the needed majority of the electoral college. While the country has occasionally come close to this sort of outcome, the question here is whether

The distribution of a candidate's popular support should be taken into account alongside the relative size of it. This issue was mentioned above and is discussed at greater length below.

A third way of electing a minority president is if a third party or candidate, however small, drew enough votes from the top two that no one received over 50% of the national popular total. Far from being unusual, this sort of thing has, in fact, happened 15 times including (in this century) Wilson in both 1912 and 1916, Truman in 1948, Kennedy in 1960, and Nixon in 1968. The only remarkable thing about those outcomes is that few people noticed and even fewer cared. Nor would a direct election have changed those outcomes without a run-off requiring over 50% of the popular vote (an idea which not even proponents of a direct election seem to advocate).

Opponents of the electoral college system also point to the risk of so-called "faithless" electors. A "faithless elector" is one who is pledged to vote for his party's candidate for president but

nevertheless votes for another candidate. There have been 7 such electors in this century and as recently as 1988 when a democrat elector in the state of west Virginia cast his votes for Lloyd Benson for president and Michael Dukakis for vice president instead of the other way around. Faithless electors have never changed the outcome of an election because most often their purpose is to make a statement rather than make a difference. That is to say, when the electoral vote outcome is so obviously going to be for one candidate or the other, an occasional elector casts a vote for some personal favorite knowing full well that it will not make a difference in the result. If the prospect of a faithless elector is so fearsome as to warrant a constitutional amendment, then it is possible to solve the problem without abolishing the electoral college merely by eliminating the individual electors in favor of a purely mathematical process (since the individual electors are no longer essential to its operation).

Opponents of the electoral college are further concerned about its possible role in depressing voter turnout. Their argument is that, since each state is entitled to the same number of electoral votes regardless of its voter turnout, there is no incentive in the states to encourage voter participation. Indeed, there may even be an incentive to discourage participation (and they often cite the south here) so as to enable a minority of citizens to decide the electoral vote for the whole state. While this argument has a certain surface plausibility, it fails to account for the fact that presidential elections do not occur in a vacuum. States also conduct other elections (for U.S. Senators, U.S. Representatives, state governors, state legislators, and a host of local officials) in which these same incentives and disincentives are likely to operate with an even greater force. It is hard to imagine what counter-incentive would be created by eliminating the electoral college.

Finally, some opponents of the electoral college point out, quite correctly, its failure to accurately reflect the national popular will in at least two respects.

First, the distribution of electoral votes in the college tends to over-represent people in rural states. This is because the number of electors for each state is determined by the number of members it has in the house (which more or less reflects the state's population size) plus the number of members it has in the senate (which is always two regardless of the state's population). The result is that in 1988, for example, the combined voting age population (3,119,000) of the seven least populous jurisdictions of Alaska, Delaware, the District of Columbia, North Dakota, South Dakota, Vermont, and Wyoming carried the same voting strength in the electoral college (21 electoral votes) as the 9,614,000 persons of voting age in the state of Florida. Each Florida's potential vote, then, carried about one third the weight of a potential vote in the other states listed.

A second way in which the electoral college fails to accurately reflect the national popular will stems primarily from the winner-take-all mechanism whereby the presidential candidate who wins the most popular votes in the state wins all the electoral votes of that state. One effect of this mechanism is to make it extremely difficult for third-party or independent candidates ever to make much of a showing in the electoral college. If, for example, a third-party or independent candidate were to win the support of even as many as 25% of the voters nationwide, he might still end up with no electoral college votes at all unless he won a plurality of votes in at least one state. Even if he managed to win a few states, his support elsewhere would not be reflected. By thus failing to accurately reflect the national popular will, the argument goes, the electoral college reinforces a two-party system, discourages third-party or independent candidates, and thereby tends to restrict choices available to the electorate.

In response to these arguments, proponents of the electoral college point out that it was never intended to reflect the national popular will. As for the first issue, that the electoral college overrepresents rural populations, proponents respond that the united states senate -- with two seats per state regardless of its population -- over represents rural populations far more dramatically. Since there have been no serious proposals to abolish the united states senate on these grounds, why should such an argument be used to abolish the lesser case of the electoral

college? Because the presidency represents the whole country? So does the united states senate.

As for the second issue of the electoral college's role in reinforcing a two-party system, proponents, as we shall see, find this to be a positive virtue.

Proponents of the electoral college system normally defend it on the philosophical grounds that it:

Contributes to the cohesiveness of the country by requiring a distribution of popular support to be elected president,

Enhances the status of minority interests,

Contributes to the political stability of the nation by encouraging a two-party system, and

Maintains a federal system of government and representation.

Recognizing the strong regional interests and loyalties which have played so great a role in american history, proponents argue that the electoral college system contributes to the cohesiveness of the country by requiring a distribution of popular support to be elected president. Without such a mechanism presidents would be selected either through the domination of one populous region over the others or through the domination of large metropolitan areas over the rural ones. Indeed, it is principally because of the electoral college that presidential nominees are inclined to select vice presidential running mates from a region other than their own. For as things stand now, no one region contains the absolute majority (270) of electoral votes required to elect a president. There is an incentive for presidential candidates to pull together coalitions of states and regions rather than to exacerbate regional differences. Such a unifying mechanism seems especially prudent in view of the severe regional problems that have typically plagued geographically large nations such as china, India, the former soviet union, and even, in its time, the roman empire.

This unifying mechanism does not, however, come without a small price. The price is that in very close popular elections, it is possible that the candidate who wins a slight majority of popular votes may not be the one elected president -- depending (as in 1888) on whether his popularity is concentrated in a few states or whether it is more evenly distributed across the states. This is less of a problem than it seems since the popular difference between the two candidates would likely be so small that either candidate could govern effectively.

Proponents believe that the practical value of requiring a distribution of popular support outweighs whatever sentimental value may attach to obtaining a bare majority of popular support. They point out that the electoral college system is designed to work in a rational series of defaults: if, in the first instance, a candidate receives a substantial majority of the popular vote, then that candidate is virtually certain to win enough electoral votes to be elected president; in the event that the popular vote is extremely close, then the election defaults to that candidate with the best distribution of popular votes (as evidenced by obtaining the absolute majority of electoral votes); in the event the country is so divided that no one obtains an absolute majority of electoral votes, then the choice of president defaults to the states in the U.S. House of representatives. The winning candidate must demonstrate both a sufficient popular support to govern as well as a sufficient distribution of that support to govern.

Proponents also point out that, far from diminishing minority interests by depressing voter participation, the electoral college actually enhances the status of minority groups. The votes of even small minorities in a state may make the difference between winning all of that state's

electoral votes or none of that state's electoral votes. Since ethnic minority groups in the United States happen to concentrate in those states with the most electoral votes, they assume an importance to presidential candidates well out of proportion to their number. The same principle applies to other special interest groups such as labor unions, farmers, and environmentalists.

It is because of this "leverage effect" that the presidency, as an institution, tends to be more sensitive to ethnic minority and other special interest groups than does the Congress as an institution. Changing to a direct election of the president would actually damage minority interests since their votes would be overwhelmed by a national popular majority.

Proponents further argue that the electoral college contributes to the political stability of the nation by encouraging a two-party system. There can be no doubt that the electoral college has encouraged and helps to maintain a two-party system in the United States. This is true simply because it is extremely difficult for a new or minor party to win enough popular votes in enough states to have a chance of winning the presidency. Even if they won enough electoral votes to force the decision into the U.S. House of Representatives, they would still have to have a majority of over half the state delegations in order to elect their candidate -- and in that case, they would hardly be considered a minor party.

In addition to protecting the presidency from impassioned but transitory third party movements, the practical effect of the electoral college (along with the single-member district system of representation in the Congress) is to virtually force third party movements into one of the two major political parties. Conversely, the major parties have every incentive to absorb minor party movements in their continual attempt to win popular majorities in the states. In this process of assimilation, third party movements are obliged to compromise their more radical views if they hope to attain any of their more generally acceptable objectives. We end up with two large, pragmatic political parties which tend to the center of public opinion rather than dozens of smaller political parties catering to divergent and sometimes extremist views. Such a system forces political coalitions to occur within the political parties rather than within the government.

A direct popular election of the president would likely have the opposite effect. There would be every incentive for a multitude of minor parties to form in an attempt to prevent whatever popular majority might be necessary to elect a president. The surviving candidates would be drawn to the regionalist or extremist views represented by these parties in hopes of winning the run-off election.

The result of a direct popular election for president would likely be a frayed and unstable political system characterized by a multitude of political parties and by more radical changes in policies from one administration to the next. The electoral college system encourages political parties to coalesce divergent interests into two sets of coherent alternatives. Such an organization of social conflict and political debate contributes to the political stability of the nation.

Finally, its proponents argue quite correctly that the electoral college maintains a federal system of government and representation. Their reasoning is that in a formal federal structure, important political powers are reserved to the component states. In the United States, the House of Representatives was designed to represent the states according to the size of their population. The states are even responsible for drawing the district lines for their House seats. The Senate was designed to represent each state equally regardless of its population. The electoral college was designed to represent each state's choice for the presidency (with the number of each state's electoral votes being the number of its senators plus the number of its representatives). To abolish the electoral college in favor of a nationwide popular election for president would strike at the very heart of the federal structure laid out in our Constitution and would lead to the nationalization of our central government -- to the detriment of the states.

Indeed, if we become obsessed with government by popular majority as the only consideration, should we not then abolish the senate which represents states regardless of population? Should we not correct the minor distortions in the house (caused by districting and by guaranteeing each state at least one representative) by changing it to a system of proportional representation? This would accomplish "government by popular majority" and guarantee the representation of minority parties, but it would also demolish our federal system of government. If there are reasons to maintain state representation in the senate and house as they exist today, then surely these same reasons apply to the choice of president. Why, then, apply a sentimental attachment to popular majorities only to the electoral college?

The fact is that the original design of our federal system of government was thoroughly and wisely debated by the founding fathers. State viewpoints are more important than political minority viewpoints. The collective opinion of the individual state populations is more important than the opinion of the national population taken as a whole. We should not tamper with the careful balance of power between the national and state governments which the founding fathers intended and which is reflected in the electoral college. To do so would fundamentally alter the nature of our government and might well bring about consequences that even the reformers would come to regret.

The electoral college has performed its function for over 200 years (and in over 50 presidential elections) by ensuring that the president of the united states has both sufficient popular

Support to govern and that his popular support is sufficiently distributed throughout the country to enable him to govern effectively.

Although there were a few anomalies in its early history, none have occurred in the past century. Proposals to abolish the electoral college have failed largely because the alternatives to it appear more problematic than is the college itself.

The fact that the electoral college was originally designed to solve one set of problems, but today serves to solve an entirely different set of problems, is a tribute to the genius of the founding fathers.

The information just presented should provide sufficient information of how our electoral processes came into being and how they operate. You should also be able to recognize how the judicial processes relate to the following articles in the universal declaration of human rights:

A. **Article 2:** everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

B. **Article 20:** everyone has the right to freedom of peaceful assembly and association.

C. **Article 21:** everyone has the right to take part in the government of his country, directly or indirectly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall

be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The Organizational Structure of the American Election System

In a formal sense, there are no national elections in the united states. There are only state elections for national offices. It is the states that elect the U.S. Senators, the states that draw the geographic districts for and elect the U.S. Representatives, and the states that through the electoral college elect the president of the united states.

As a result of this constitutional prerogative of the states to conduct all elections, there is no one federal code of law that prescribes how elections are to be conducted throughout the nation. There are 50 separate state election codes which, despite broad similarities, differ from one another in ways that reflect the unique political cultures, histories, and experiences of the various states.

This is not to say, however, that the federal government is entirely silent with regard to certain aspects of elections for federal offices. There is, for example:

- the federal election campaign act (and the federal election commission it created) which primarily regulates the financing of candidates seeking federal public office

- the U.S. Department of justice which houses two offices related to elections: the voting section of the civil rights division (created to ensure the voting rights of certain minority groups in all elections) and the election crimes branch (created to enforce federal laws designed to prevent various forms of election fraud)

- the bureau of census that determines each decade the number of seats in the U.S. House of representatives to which each state will be entitled and that provides state and local governments detailed population data to serve as the basis for redesigning congressional and other political districts in accordance with the requirements of equal population, contiguity, and compactness.

In addition to these federal offices that are directly related to elections, there are other federal agencies that have a tangential connection to the election system such as the U.S. Postal service (for conveying election materials and absentee ballots to and from voters, and for confirming the addresses of registrants) and the U.S. Department of defense (for facilitating absentee voting by military and overseas citizens).

Finally, it should be noted that any election dispute involving a right guaranteed under the united states constitution or involving the election of a federal official falls within the jurisdiction of the federal courts and, ultimately, the U.S. Supreme courts.

As previously noted, each state legislates its own election code. Provided that it in no way conflicts with the U.S. Constitution or with any of the federal election laws cited above, each state election code is the final word on how all elections are to be conducted within that state. While there are broad similarities in these state election codes, there are also important differences from state to state with regard to specific election procedures and requirements.

The overwhelming majority of state election codes place the administrative responsibility for conducting elections on the local units of government (in most cases, on the counties, but in new England and the upper midwest, on the cities and towns). There is in each state a chief election officer. In most states, this is the secretary of state of the state in his capacity as chief record keeper. In a few states, it is the lieutenant governor. And in still other states, there is a state board of elections whose executive director serves as the chief election officer.

The duties and responsibilities of state chief election officers vary widely from state to state. In some cases, they have virtually no authority beyond merely certifying election results reported to them by the local election officials. At the opposite extreme, and typically in states with election boards, the chief election officer exercises considerable authority over all forms and procedures followed by local election officials throughout the state. Several states have gone so far as to maintain a computerized listing of all voters registered within the state as a service to the local election officials with whom voters are required to register. In a few states, the chief election officer has supervisory authority over the local officials, may require them to undergo periodic training, and may even remove them from office for dereliction of duty. The majority of states, however, lie somewhere between these extremes -- although there is a decided trend toward states playing a greater role in the election process.

It is the local election officials in the united states (some 13,000 of them in all) who bear the primary responsibility for conducting all elections within their respective jurisdictions. In most states, that official is the local county clerk (who also maintains all records on births, marriages, and deaths, as well as all court records and other official papers). In some states, election responsibilities are divided between the county clerk and a county registrar of voters. In the larger jurisdictions of several states, administering elections is a major, year 'round undertaking requiring a full time supervisor of elections and a considerable professional staff.

Whichever the case, it is the local election official who is directly responsible for:

- drawing the precinct (voting district) boundaries which normally contain 500-1000 voters each
- verifying candidate filing petitions against names on the voter registry (this being the means by which candidates come to appear on the ballot)
- registering all voters
- maintaining the campaign finance reports from candidates for local office
- providing voter information with regard to registration and voting procedures
- identifying and arranging for all voting places
- recruiting from the political parties and training all election day poll workers
- printing all ballots (or purchasing and preparing all voting machines which is the method more commonly used for voting in the U.S.)

- making all logistical arrangements for election day balloting (including absentee voting)
- ensuring the complete and accurate count of all votes cast
- certifying local results and forwarding state and federal election results to the state chief election officer and
- conducting any recounts required under state law or by the courts.

It is thought that by decentralizing the responsibility for conducting elections, no one in power will be able to manipulate the election process on a scale sufficient to ensure his own reelection. Such decentralization efficiently satisfies the election needs of city, county, and other local governments as well as those of the state and federal governments.

Constitutional Structure of the United States

	Legislative	Executive	Judicial
Federal	<div> <div>100</div> <div>Senate</div> <div>5 years</div> </div> <div> <div>435</div> <div>House</div> <div>2 years</div> </div>	<div>1</div> <div>President</div> <div>4 years</div>	<div>9</div> <div>Supreme Court</div> <div>Life</div>
State	<div>Senate</div> <div>House</div>	Governor	Supreme Court
County	Council	Executive/Commission	Lower State Courts
City/ Municipality	Council	Mayor	Courts of Limited Jurisdiction
Special Governments	Board of Education, etc.	_____	_____

Figure 1 -- Constitutional Structure of the United States

Administrative Structure of the United States Election System

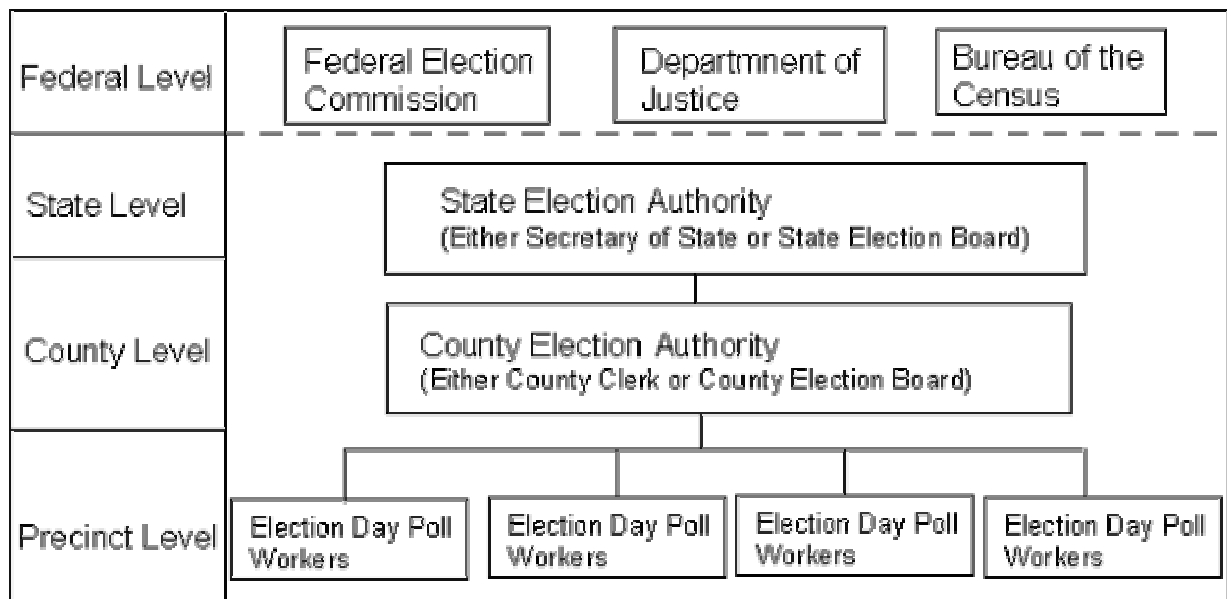


Figure 2 -- Administrative Structure of the United States Election System

IP Questions and Answers

U.S. Political Processes

How are Vice Presidents Chosen?

The 12th amendment provides that the electors appointed by each state will name on distinct ballots the persons to be voted for as vice president. A list of the electoral votes is then signed, certified, and transmitted "sealed" to the president of the senate of the united states. These certificates are opened by the president of the senate "in the presence of the senate and house of representatives" and the votes are then counted. The person having a majority of the vice presidential votes of the electors becomes vice president. If no person has a majority, the senate then chooses the vice president from the two candidates receiving the largest number of votes. Two-thirds of the senators must be present during the voting, with a majority necessary for election.

How are Presidents and Vice Presidents of the United States Nominated?

Candidates for president and vice president are nominated by two methods -- individual and party action declaration.

Presidential and vice presidential candidates nominated through the major parties are chosen at national political conventions, which traditionally meet in July or august of presidential election years. Delegates to those conventions are chosen through some form of presidential primary, some form of caucus/convention system, or a combination of both. The delegate selection process within the two major parties for the most recent presidential election began in 1980 in

Iowa (on January 21) and was completed on June 28 (for republicans) and July 12 (for democrats).

The pre-nomination campaign may begin within the major parties as early as a candidate wishes to announce and begin organization and fundraising. Only funds raised after January 1 of the year preceding the presidential election year qualify for federal matching funds, however.

How are Presidents and Vice Presidents Elected?

The general election campaign for independent or nonmajor party candidates may begin as early as the candidates wish. Major party presidential campaigns traditionally begin on labor day and, therefore, last approximately 2 months.

The presidential election is actually a series of elections, by state and the district of Columbia, to fill the office of presidential elector. There are a total of 538 electors. In 47 states and the district of Columbia, electors are chosen by a winner-take-all, at large system, which awards all the electors from any one jurisdiction to the popular vote winner therein; in Mississippi and south Carolina, electors are elected as individuals; and in Maine, one elector is chosen in each (of two) congressional districts and two are chosen at large. In spite of these present opportunities -- and other past opportunities -- for a divided electoral vote in a state, electors pledged to different presidential candidates have not been elected from the same state since 1916.

Elector candidates pledged to nonmajor party -- or independent -- presidential and vice presidential candidates must satisfy individual state laws regarding ballot access. The requirements vary greatly from state to state. In 1980, although the federal election commission listed 21 presidential candidates appearing on 1 or more state ballots, only 4 candidates were on the ballot in all 51 jurisdictions choosing electors: Anderson (national unity and 6 other party or independent lines), Carter (democratic), Clark (libertarian), and regain (republican). These 4 tickets together received over 99 percent of all popular votes cast.

What are the Qualifications to Vote in a National Election?

In general the qualifications for voting in a national election are established by each state or jurisdiction which conducts the elections. However, the congress through constitutional amendments and statutes has provided certain standards for participation in federal elections. The 24th amendment to the U.S. Constitution prohibits a poll tax or any other tax from being a prerequisite for voting, and the 26th amendment provides that all U.S. Citizens who are 18 years of age or older cannot have their right to vote abridged or denied on account of age. The voting rights act amendments of 1970 provided for the abolition of continual residency requirements for voting in presidential elections and required the states to provide for absentee registration and voting in presidential elections.

Otherwise, in every state and the district of Columbia, a prospective voter must be a U.S. Citizen, a resident of his or her state and, in most states, must register prior to voting. Most states close their registration rolls 20 to 50 days prior to the election. However, four states permit voters to register on the day of the election and one state does not require any registration.

Who is Responsible for the Conduct of Elections in the United States?

The conduct of elections is the responsibility of the states subject to the requirements of the federal constitution. The constitution provides, and the supreme court has ruled, that congress has the power to regulate federal elections in order to maintain the purity of the electoral process, and state elections in order that they be in conformance with constitutional requirements.

For most of our history, congressional regulation was minimal. In recent years, however, congress has enacted a number of laws to regulate elections. In addition, five amendments to the constitution: the 14th, 15th, 19th, 24th and the 26th, directly bear on the electoral process. Since 1957, congress, exercising its constitutional authority, has enacted laws designed to prevent racial discrimination in the election process, namely the civil rights acts of 1957, 1960, and 1964. In 1965, congress passed the voting rights act which suspended for a stated period of time all tests and similar devices which had been used to discriminate against minority groups, particularly black citizens. This same legislation authorized federal officers to register voters and to observe elections to insure that there was no discrimination. In 1970, congress extended for an additional period of time the test suspension features of the 1965 act and reduced the residence requirements imposed by states as a prerequisite for voting for presidential electors. The 1970 amendments also enfranchised all citizens between 18 and 21 years of age. A short time later the supreme court held that congress could lower the voting age only for federal elections. This ruling paved the way for the rapid adoption of the 26th amendment to the U.S. Constitution. In 1975, congress again extended the voting rights act, placed a permanent nationwide ban on the use of literacy tests and devices and expanded the act to provide coverage for minority groups not literate in English and to require affected states and jurisdictions to offer certain kinds of bilingual assistance to voters.

How Was the Choice of a National Election Day Made?

The constitution provides [in article ii, section 1], "the congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the united states." In 1792, congress by law designated the first Wednesday in December as the date for presidential electors to meet and cast their vote for president and vice president. This same act required the states to "appoint" their electors within 34 days of the date set for the electors to vote. Following this act until 1845, there was no national election day and each state fixed its own date, usually in November, for the selection of presidential electors. The decision to create a single national day for the selection of presidential electors grew out of the need to prevent election abuses resulting from electors being selected on separate days in neighboring states. Thus in 1845, congress established by law that in each state the electors were to be selected on the "Tuesday next after the first Monday in the month of November of the year in which they are to be appointed." In 1872, the congress adopted legislature requiring states to hold their elections for members and delegates to the U.S. House of representatives on the same day. After the adoption of the 17th amendment providing for the direct popular election of U.S. Senators, congress enacted legislation in 1914 to require that U.S. Senators also be elected on the same Tuesday in November.

Tuesday was selected to protect the rights of persons opposed for religious reasons to holding elections on Sunday or traveling to the polls on the day. Therefore, it was desirable to have at least one day intervening between Sunday and election day. The first Tuesday of the month was eliminated because it might fall on the first day of the month and inconvenience businessmen.

Who Pays for Political Campaigns?

Most campaign funds of candidates for federal office are raised from private contributions by individuals and groups. Individuals are limited to contributions of \$1,000 to any candidate per election, and interest groups -- in the form of multicandidate/political action committees (pacs) -- may contribute up to \$5,000 per candidate per election. The federal government provides incentives for individuals to make political contributions by allowing them to take a tax credit of half the amount of such donations (up to \$50 for an individual, or \$100 on joint tax returns).

Since 1976, candidates for president have been given the option of accepting public funding for their campaigns. During the primary election season, funds from the U.S. Treasury are payable to candidates on a basis which matches small, privately-raised contributions. Major political parties

are eligible to receive a flat grant from the government to finance their nominating conventions, and their nominees are eligible for a much larger stipend for their general election campaigns. Provisions exist in the law for third party or new party candidates to be eligible for public funding on a proportional or retroactive basis.

Public funding is not available to candidates for congress.

What Federal Laws Regulate Political Campaign Financing?

Until 1972, the corrupt practices acts regulated spending in federal elections, but only for general and special elections. Since the passage of the federal election campaign act [feca] of 1971 and its subsequent amendments in 1974, 1976, and 1979, there has been much greater regulation of the federal electoral process -- primary, general, and special elections, caucuses, and conventions.

The feca and its amendments established strict reporting requirements for all candidates for federal office, their campaign committees and others spending money to influence federal elections. Contributions are limited, but in general, expenditures are not. Furthermore, full, though optional, public financing is provided for major party presidential candidates in the general election and major party national nominating conventions, and matching public funding is provided in presidential primary elections. Minor party presidential candidates may receive partial public funding in the general election. Expenditures by candidates accepting federal funds are limited, as are the personal funds such a candidate may spend on his or her own campaign.

An independent federal election commission is the principal enforcement agency, with primary civil jurisdiction and investigatory authority in criminal cases. It also has the power to prescribe regulations to implement and clarify campaign laws, to issue advisory opinions which offer guidance in complying with the law, and to disseminate information to candidates and to the public.

The income tax laws permit political contributions to be credited against tax owed to the federal government. Taxpayers may take a tax credit of half the amount contributed -- up to \$100 on a joint return and \$50 on any other return.

What are Matching Funds and Public Funds, and Who May Qualify to Receive Them?

The federal election campaign laws provide for a system of public funding for presidential elections, available on an optional basis to candidates who agree to abide by the contribution and expenditure limits imposed by the law. Primary election campaigns are funded through the presidential primary matching payment account and general election campaigns are funded through the presidential election campaign fund; these accounts are funded by taxpayers who take the option of earmarking one dollar of their tax liability for this purpose.

A primary election candidate may be eligible for matching funds once he raises \$5,000, in donations of \$250 or less, in each of 20 states. Thereafter, the fund matches each contribution of \$250 or less until the total amount of public funds equals 50 percent of the candidate's primary expenditure limit. By requiring that private funds be raised in the primaries, the law seeks to insure that only serious candidates (i.e.-those able to attract private contributors) may receive public funds.

In the general election, the nominees for president and vice president of the two major parties are automatically eligible for a flat stipend from the presidential election campaign fund. In 1980, Carter and Reagan each received \$29.4 million in the general election, but this figure is raised every 4 years according to the cost-of-living increase. No private contributions may be accepted

by major party candidates who receive public funds in the general election, except for a specified amount from the national committees of their respective political parties. Third party candidates may receive public funds in an amount proportionate to the votes received by that party in the previous presidential election, and new party candidates may be eligible for retroactive public funds after the election, if they receive at least 5 percent of the popular votes cast.

What is the Electoral College? What is its Role in the Election of the President and Vice President of the United States?

The president and vice president of the United States are actually elected by electors, chosen in the November general election, who meet on the first Monday after the second Wednesday in December to vote, separately, for president and vice president.

Each state chooses, in a manner determined by its legislature, a number of electors equal to the total of its senators and representatives in the United States Congress. The District of Columbia, under the 23rd amendment, chooses a number equal to the number chosen by the least populous state. The total membership

of the electoral college is 538, and the votes of 270, or a majority, are necessary in order for an individual to be elected president or vice president by the electoral college.

All 51 jurisdictions provide that presidential electors be elected by popular vote. All but three states provide for winner-take-all, at-large elections. (see question: how are presidents and vice presidents elected?) The modern electoral college almost always reflects the preelection pledges of its members and does not, as the founding fathers anticipated, make independent judgments concerning who should be elected president and vice president. In six of the past nine elections, however, one elector has exercised his right to independent judgment and cast his electoral vote for someone other than the person to whom he was pledged.

The electoral college never meets as one body, but in 51 smaller electoral colleges, in the state capitals and the District of Columbia, to cast their electoral votes. They vote separately for president and for vice president, but since they are almost always chosen by their political parties for their party loyalty and responsibility, the result of their voting can be predicted as soon as the results of the November general election are known.

Once the electors have voted and the results have been certified by the governor of each state, the results are sent to Washington to be counted before a joint session of the newly-elected Congress, meeting the first week in January. If no candidate for president or vice president has received a majority, the House, voting by states, elects the president, and the Senate, voting as individuals, elects the vice president.

Did the Electoral College Ever Vote Unanimously for Any President?

Yes, two times for George Washington, for the terms beginning in 1789 and 1793. In the electoral college vote in 1820, all the electors except one voted to re-elect James Monroe. That one elector, William Plumer of New Hampshire, voted for John Quincy Adams in spite of a pre-election pledge to support Monroe. Plumer's motives were apparently a combination of his wish to call attention to his friend Adams, his desire to preserve George Washington's distinction as the only president elected unanimously, and his dissatisfaction with Monroe's performance as president.

Have U.S. Senators Always Been Elected Directly by the People?

No. Senators were originally elected by the state legislatures (article i, section 3). Direct election by the people was provided for by the 17th amendment, effective for senators elected after may 31, 1913.

Has a Vice President of the United States Ever Been Elected by the Senate?

Yes, one -- Richard M. Johnson of Kentucky. In the 1836 election, Johnson received 147 electoral votes; Granger, 77; Tyler, 47; and Smith, 23. Johnson's total equaled that of the combined votes for the other three, but he lacked a majority. The constitution provides that in such instances the senate must choose between the two highest candidates whenever anyone fails to obtain a majority of all electoral votes. The senate elected Johnson by a vote of 33 to 16.